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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/679,802	10/05/2000	Perry A. Pierce	F-209	8910

21003 7590 01/21/2003

BAKER & BOTTS
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NEW YORK, NY 10112

EXAMINER

ABDI, KAMBIZ

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 01/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/679,802	PIERCE ET AL.
	Examiner	Art Unit
	Kambiz Abdi	3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 05 October 2000.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.
- 4) Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-23 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 05 October 2000 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5_7-10</u> . | 6) <input type="checkbox"/> Other: _____ . |

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DETAILED ACTION

1. Claims 1-23 have been examined.

Priority

Additionally, applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d) is denied at this point.

The applicant has failed to provide the Patent office with certified copies of foreign referenced document relevant to the current application for the proposes of foreign priority. The certified copies furnished to the Patent Office consist of application number UK 9923437.9 filed 5 October 1999, titled "Improvements in or Relating to Fluid Seals" and application number UK 0017455.7 filed 18 July 2000, titled "Improvements in or Relating to Fluid Filters", which neither addresses the claimed invention of the current application or similar art. Applicant is encouraged to remedy this deficiency.

Drawings

2. The drawings filed on 5 October 2000 are acceptable subject to correction of the informalities indicated on the attached "Notice of Draftperson's Patent Drawing Review," PTO-948. In order to avoid abandonment of this application, correction is required in reply to the Office action. The correction will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this

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application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-23 are rejected under 35 U.S.C. 102 (e) being anticipated by Roy R. Gordon, U.S.

Patent No. 6289323.

5. As per claims 1, 9, and 17 Gordon discloses a payment processing system and method, comprising:

- a data center (See Gordon figures 4-9 and associated text);
- a postage metering system located remotely from the data center (See Gordon figures 4-9 and associated text); and
- a control system in operative communication with the data center and the postage metering system (See Gordon figures 4-9 and associated text column 3, lines 6-52 and column 5 lines 29-52), the control system for:
 - obtaining payment data via the postage metering system, the payment data including a payee and a payment amount (See Gordon figures 4-9 and associated text column 3, lines 6-65 and column 5 lines 29-52); and
 - dispatching payment from the data center to the payee for the payment amount (See Gordon figures 4-9 and associated text column 3, lines 6-65 and column 5 lines 29-52).

6. As per claims 2, 10, and 18, Gordon discloses all the limitations of claims 1, 9, and 17, further; Gordon discloses,

- coordinating printing by the postage metering system of an indication of the third party payment on a mail piece intended for delivery to the payee (See Gordon figures 4-9 and associated text column 2, lines 31-40, column 3, lines 6-65 and column 5 lines 29-52).

7. As per claims 3, 11, and 19 Gordon discloses all the limitations of claims 2, 10, and 18, further; Gordon discloses,

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- the payment data further includes a date on which the payment is authorized for dispatch (See Gordon figures 4-9 and associated text column 3, lines 6-65, column 5 lines 29-52 and column 7, lines 36-53).

8. As per claims 4, 12, and 20, Gordon discloses all the limitations of claims 3, 11, and 19, further; Gordon discloses,

- the third party payment indication includes a digital signature of at least a portion of the payment data so that any attempts to tamper with the payment data are detectable (See Gordon figures 4-9 and associated text column 2, lines 5-16, column 4, lines 8-43).

9. As per claims 5 and 13, Gordon discloses all the limitations of claims 4 and 12, further; Gordon discloses,

- the mail piece is a business return mail piece provided by the payee (See Gordon figures 8 and 9 and associated text, column 14 lines 55, 64).

10. As per claims 8, 16, and 23, Gordon discloses all the limitations of claims 7, 15, and 22, further; Gordon discloses,

- the payment data further includes a date on which the payment is authorized for dispatch (See Gordon figures 4-9 and associated text column 3, lines 6-65, column 5 lines 29-52 and column 7, lines 36-53).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kambiz Abdi whose telephone number is (703) 305-3364. The examiner can normally be reached on 9:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on (703) 305-9768.

16. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703)308-1113.

Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks
Washington, D.C. 20231**

or faxed to:

(703) 305-7687 [Official communications; including After Final communications labeled "Box AF"]

(703) 746-7749 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to:

**Crystal Park 5, 2451 Crystal Drive
7th floor receptionist, Arlington, VA, 22202**

**Abdi/K
December 12, 2002**

JAMES P TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

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12. Claims 6, 7, 14, 15, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6289323 to Roy R. Gordon.

13. As per claims 6, 7, 14, 15, 21, and 22, Gordon discloses all the limitations of claims 1, 5, 9, 17, 13, and 20, further;

What Gordon is not clear is if the value payments from multiple payers are aggregated before they are forwarded to be credited to the payee's account. Gordon discloses the aggregation of collected mail pieces and the forwarding them to the end user. Although, Gordon discloses the claimed invention, as discussed above, except for the step of collecting payments from a plurality of postage metering systems that are directed to the payee before dispatching an aggregated payment to the payee. It would have been an obvious matter of design choice to modify the teachings of Gordon, to provide the step of collecting payments from a plurality of postage metering systems that are directed to the payee before dispatching an aggregated payment to the payee. Since applicant has not disclosed that solves any stated problem in a new or unexpected way or is for any particular purpose which is unobvious to one of ordinary skill and it appears that the claimed feature does not distinguish the invention over similar features in the prior art since, the teachings of Gordon will perform the invention as claimed by the applicant with any method, means or product to collecting payments from a plurality of postage metering systems that are directed to the payee before dispatching an aggregated payment to the payee.

Conclusion

14. Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed